

rejected as obvious over Tai in view of Nasuno and Court, respectfully. Claim 1 has been amended to recite the limitation of claim of claim 2. Since claim 2 was not include in these rejections, they are moot.

Claims 1-5, 7-9, and 25-26 remain rejected as being anticipated by Miller. Claims 25-26 remain rejected as obvious over Miller.

Miller does not teach each and every element of the claimed invention and cannot anticipate the instant claims.

The instant claims require a series of clamps. Miller does not teach a clamp. Contrary to the position asserted to in the Office Action, a cord or rope to aid support in a growing plant is not a clamp. Miller states in column 1, lines 17-20, "plants can be readily secured to the device without damage to foliage, stalks, etc. and in a fashion to adequately support the stalks and foliage and/or other load." Thus, the plants are secured to the plant supporting means, but secured in order to prevent the plant from falling over, not for carrying the plant around

Miller is intended for use with plants that are planted in the ground. It is not intended for use as a carrier. The Office Action considers that a plant could be in a vase or in a pot, and thus the device could be used for transport. Miller's device requires end posts 8 having a series of screws 9 designed to support end brackets 10 of bar 11 at different levels. The purpose is to stick the end posts in the ground and as the plants grow, bar 11 is adjusted upward with the plants. It is not clear how the plant supporting means would function with plants in a vase or in pots or as a carrier.

In addition, the claimed invention requires that "*plant cuttings* clamped in the clamping elements *extend substantially parallel to each other*." If Miller is used as directed, Miller holds the plants *in the ground* in a parallel manner since stalk plants tend to grow vertically. However, should one try to use Miller's device with plant *cuttings* (which have no support in the ground), the plant cuttings would lean or fall over, twist, get tangled with each other, etc. That is, in Miller, cuttings held in place by the cord or rope in accordance with Miller could not *extend substantially parallel to each other* as required by the instant claims.

Miller therefore does not anticipate nor render obvious the instant claims. Withdrawal of the rejections over Miller is requested.

Serial No.: 09/914,793

-3-

Atty. Dkt. No.: 000771.00025

CONCLUSION

In view of the above remarks, withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan Wolffe", with a stylized, cursive script.

Susan A. Wolffe
Reg. No. 33,568

Date: April 17, 2003

Banner & Witcoff, Ltd.
1001 G Street, N.W.
Washington, D. C. 20001-4597
(202) 508-9100

MARKED_UP VERSION OF AMENDMENTS MADE

IN THE CLAIMS

1. (Twice Amended) Holder for plant cuttings, comprising at least one carrier and a series of clamping elements which are fixed to the carrier and which are each adapted to clamp a plant cutting, wherein the clamping elements are fixed to the carrier such that plant cuttings clamped in the clamping elements extend substantially parallel to each other, and the center of each of the clamping elements is situated substantially in the same central plane, wherein the central plane extends at a right angle to the plant cuttings.